

REMARKS

By the foregoing amendments claims 1, 8-15, 21, 26, 27 and 29 have been amended and claims 3, 16-19, 22, 23, 28, 30, 32 and 34-39 have been canceled. Thus, claims 1, 4-6, 8-15, 20, 21, 24-27 and 29 remain in the application.

Applicant gratefully acknowledges the courtesy personal interview granted by Examiner Charles Goodman to his undersigned attorney on July 12, 2006. During the interview proposed amendments to claim 1 were discussed and arguments were presented in support of the patentability of such amended claims over the prior art relied upon in the outstanding rejection of the application claims under 35 U.S.C. §103(a), particularly the patents to Quinlan (US 4,020,724) Simpson et al. (US 5,429,577) and Koelsch (US 5,875,699). The arguments in support of patentability presented during the interview are summarized below. No formal agreement was reached as a result of the interview but the Examiner suggested that directing the claims to the specific preferred embodiment of the invention, for making a corrugated carton blank from which a carton having at least one quick closing continuous closure panel of the type disclosed in Applicant's own U.S. Patent No. 6,467,682 may result in favorable consideration.

Responsive to the interview, by the above amendments the application claim have been specifically directed to the embodiment of the rotary die and rotary die cutter embodiment of the invention for making Applicant's inventive carton, e.g., making a corrugated blank, from which a carton having at least one quick closing continuous closure panel can be erected, from a stock sheet of corrugated material. More particularly, the specific structural components of the rotary die and rotary die cutter enabling making the

corrugated carton blank from which a carton having at least one quick closing continuous closure panel can be erected from a stock sheet of corrugated material include a plurality of at least five interlocking modular die components which are capable of being combined in multiple configurations for producing multiple carton sizes, the die components being mountable directly on a roller of a rotary die cutter where the die elements are interlocked with one another, each die component having at least one blade thereon for at least one of scoring, creasing, and cutting a corrugated sheet to cooperatively form a corrugated carton blank in a rotary die cutter from a stock of sheet corrugated material.

The plurality of die components include, with reference to the three dimensions of the carton to be erected from the corrugated carton blank, at least one length die component which determines the length of the carton, at least one height die component which determines the height of the carton, and at least two closure panel die components which determine the width of the carton and produce respective fold-in panels of the at least one quick closing continuous closure panel. As described on pages 23 and 24 of the application specification, for example, each of the closure panel die components includes two slit/cut blades each arranged for slitting a 45-degree angled line on a fold-in panel of a quick closing continuous closure panel, two perforation blades each arranged to cut and score the corrugated stock sheet to form a perforated straight line that is perpendicular to the length of the carton blank, and one scoring blade arranged to score a straight line at the bottom of the fold-in panel parallel to the length of the carton blank and between the two perforated lines formed by the two perforation blades.

It has been found by Applicant that this construction in a modular/configurable rotary die enables the production of the improved carton blank and carton of Applicant's U.S. Patent No. 6,467,682 in multiple sizes and types without the use of dedicated dies for each size and type of carton. The improved rotary die and rotary die cutter of the invention are not suggested or rendered obvious, 35 U.S.C. §103, by the references relied upon in the outstanding rejection of the claims.

The primary reference, Quinlan, relates to a rotary cutting die for cutting the flaps of an already formed/previously slotted carton blank for producing a carton with slotted flaps. The flap cutting dies 10, 10', 11 and 11' of Quinlan are not interlocked with one another on the roller of a rotary die and serve only to cut the flaps of a slotted carton blank. The rotary die of Quinlan does not include die elements with blades which score, perforate and slit/cut a stock sheet of corrugated material to form a carton blank for erecting a carton with at least one quick closing continuous closure panel with fold-in panels as in the present invention.

The patent to Simpson et al. does not provide for the deficiencies of Quinlan. Simpson et al. use conventional dedicated dies that cannot be adjusted to produce varying sizes and types of carton blanks. To produce a different size or type carton blank, in Simpson et al., a first die must be completely removed and another dedicated die must be mounted. The die rule members 29 are mounted upon die board 26 in Simpson et al. The reference does not disclose interlocking modular die components directly mounted on the roller of a rotary die cutter as disclosed and claimed by Applicant.

The patent to Koelsch also discloses a dedicated die for each different (size/type) product, see column 4, lines 2-9. Koelsch states the die may be formed in two sections when the die is too large for the drum's circumference, note interlocks 90, Figures 2 and 4, are provided between the two sections. The reference does not teach Applicant's claimed invention or provide for the aforementioned deficiencies of Quinlan and Simpson et al.

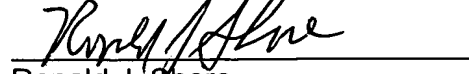
It is respectfully submitted that in view of the above amendments to the claims and Applicant's remarks during the aforementioned personal interview as summarized above, the claims as amended patentably define over the cited references under 35 U.S.C. §103. Accordingly, reconsideration and allowance of the claims as amended is requested. As noted by the Examiner during the interview, it is a fact intensive inquiry regarding obviousness which is mandated by 35 U.S.C. §103, and not a general obviousness rule which must be employed, In re Ochiai, 37 USPQ 2d 1127 (CAFC 1995). Upon conducting such a fact intensive inquiry in the present case, Applicant respectfully submits the application claims as amended for the rotary die and rotary die cutter of the invention for producing carton blanks to form Applicant's inventive carton, would not have been obvious, 35 U.S.C. §103 in view of the cited references.

A Petition for Extension of Time to permit the timely filing of this Amendment is enclosed.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-

2135 (Case No. 1011.42224X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ronald J. Shore", is written over a horizontal line.

Ronald J. Shore

Registration No. 28,577

ANTONELLI, TERRY, STOUT & KRAUS, LLP

RJS/kmh

Attachments